

FILED  
IN CLERKS OFFICE  
2006 MAR 13 P 1:35  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**Nadine J. Griffin,**

**Accused, Belligerent Claimant.**

**CASE NO. 05-CR-10175-WGY**

**VERIFIED MOVE TO SUPPRESS  
EVIDENCE IN VIOLATION OF  
THE FIFTH AND FOURTEENTH  
AMENDMENTS OF THE  
CONSTITUTION**

**(Oral Arguments Requested)**

COMES NOW Nadine J. Griffin, accused Belligerent Claimant in the above-entitled action, moving this Court suppress evidence that may be presented by Christopher Maietta intended only to prejudice and inflame the jury. This move to suppress evidence concludes that (1) the evidence sought has no probative value because it has been obtained in violation of due process of law, (2) the evidence will not prove any issue of facts relevant to a valid claim, (3) the evidence does not make the facts more probable, and (4) the evidence is merely for the purpose of inflaming and prejudicing the jury.

Furthermore, because employees of the United States plaintiff has failed to fully apprise the accused the nature and cause of the accusations against her, any evidence used making financial claims implying that a substantial understatement of a federal tax liability exist - proves their intent to proceed with a tactical advantage over Nadine J. Griffin violating her

1 Sixth Amendment rights of being fully apprised of the nature and cause of the accusation.

2 Employees of the United States plaintiff have refused to disclose what evidence they intend  
3 to use attempting the establish a basis presently unknown to Nadine J. Griffin as the  
4 introduction of such evidence will and have clearly prejudiced the due process Rights of  
5 Nadine J. Griffin proceeding with the implied presumption that employees of the United States  
6 plaintiff exhausted their administrative remedy prior to petitioning a district court of the United  
7 States. This evidence must be suppressed for the following reasons to wit:

- 8  
9 1. Video Tapes one and two planned to be introduced as evidence favorable to employees  
10 of the United States plaintiff must be suppressed and prohibited from introduction as  
11 they serve NO PROBATIVE VALUE WHATSOEVER, is hearsay evidence merely to  
12 draw inference in an inflammatory nature.
- 13 2. employees the United States plaintiff never noticed Nadine J. Griffin they believed she  
14 may have substantially understated her alleged federal tax liability prior to petitioning  
15 this Court and should therefore must be prohibited, and should not be allowed to enjoy  
16 the Right of using documents or information that would imply they (government agents  
17 and employees) exhausted their administrative remedies.
- 18 3. employees the United States plaintiff after Six (6) years have never filed a notice and  
19 demand for tax, attempted to assess or collect an additional liability prior to petitioning  
20 this Court and should therefore must prohibited from using documents or information  
21 that would imply the government exhausted their administrative remedies.
- 22 4. employees the United States plaintiff have chosen to selectively prosecute Nadine J.  
23 Griffin in lieu of exhausting their administrative remedies as they have with millions of  
24 other [t]axpayers similarly situated: resulting in violation of Griffin's due process and  
25

1 equal protection under the law Rights.

2 The Courts function is not to determine guilt or innocence but to insure that the constitution  
3 and the laws of the land are adhered.

## 4 5 **MEMORANDUM AND BRIEF IN SUPPORT**

### 6 **I.**

#### 7 **Video Tapes Must Be Supressed As They Have No** 8 **Probative Value Merely Used To Inflame The Jury**

- 9 1.1 Nadine J. Griffin received approximately 4,641 plus pages of discovery material from the  
10 United States plaintiff's employee Christopher Maietta or about September 8, 2005.  
11 Additionally, Maietta included two video tapes, with a date written of February 24, 1998 and  
12 June 11, 1998.
- 13 2. The February 24, 1998 video includes a 7 minute clip of Nadine J. Griffin on stage speaking  
14 to an audience about her introduction to Daniel Andersen and David Struckman – the alleged  
15 founders of Global Prosperity.
- 16 3. The video tapes are demonstrative evidence that cannot be effectively authenticated, as it is  
17 unknown to the viewer (1) when these events took place, (2) where they took place, (3) who  
18 are the participants, (4) what is there relationship to the case and (5) how the relationship has  
19 probative value to the case.
- 20 4. The 7 minute clip of Nadine J. Griffin makes overbroad and sweeping statements that allows  
21 any inference to be drawn from the listener/viewer. Nadine J. Griffin never makes any  
22 statement that would conclude what her personal value or worth might have been, what her  
23 definition of a big house is, or the dollar amount it would take to retire her father – as every  
24 statement within that video clip allow the viewer to draw his or her own inference as to what  
25

1 meaning those fact statements may have. It is no secret that multilevel marketing companies  
 2 and like sales professions exaggerate the highest potential compensation plan when  
 3 marketing these type of programs. Such is no less applicable in this instant case.

4 "Indeed, any evidence is unduly prejudicial . . . when its sole probative value is to  
 5 show a criminal defendant's propensity to commit the crime charged in the  
 6 indictment. *See, e.g., United States v. Thomas*, 321 F.3d 627, 630-633 (7<sup>th</sup> Cir.  
 2003)

7 Unfair prejudice can occur because the trial court made an insufficient effort to  
 8 avoid obvious danger." *See, e. g., Gray v. Genlyte Group, Inc.*, 289 F.3d 128, 139  
 (1<sup>st</sup> Cir. 2002)

- 9 5. Allowing the Video Tapes before a jury would unfairly prejudice Nadine J. Griffin as it  
 10 inconclusive, completely inflammatory and suggestive, offering no probative value  
 11 whatsoever. In the video tape dated ( ) Nadine J. Griffin does not even appear anywhere, only  
 12 referred to by name. Furthermore, there is no reference as to where these video was recorded,  
 13 when it was recorded, who authored the taping.

## 14 II.

### 15 Documents Purporting To Verify The Compensation Of 16 Nadine J. Griffin Must Be Suppressed For Lack Of Assessment

17 The accused Nadine J. Griffin seeks to have any and all financial documents be suppressed  
 18 that attempts establish a substantial understatement of tax liability. In the case of the accused  
 19 Nadine J. Griffin, no attempt to collect the alleged substantially understated tax liability or any  
 20 tax has ever been made prior to Assistant United States Attorney Christopher Maietta petitioning  
 21 the grand jury. In a plethora of cases, prior to the government seeking charges for alleged  
 22 violation of the internal revenue laws are cited in many circuits and the Supreme Court  
 23 conclusively establishing that Acts of Congress command the exhaustion of the administrative  
 24 remedy before petitioning a district court of the United States: as such was not done in Nadine J.  
 25 Griffin's case.



1 "When Congress passes an Act empowering administrative agencies to carry on  
 2 governmental activities, the power of those agencies is circumscribed by the  
 3 authority granted." Lujan v. Defenders of Wildlife, 504 U.S. 555, 577 (1992),  
 4 citing Stark v. Wickard, 321 U.S. 188, 309-310 (1944). An agency action that is  
 5 "arbitrary, capricious, an abuse of discretion, or not in accordance with law, as  
 6 well as action taken 'without observance of procedure required by law'" should  
 7 be invalidated. United States v. Caceres, 440 U.S. 741, 753-754 (1979)

8 Had employees of the IRS exhausted the administrative process as prescribed by Acts of  
 9 Congress in the same manner they do with million of taxpayers annually, of the 4,641 plus  
 10 discovery documents provided by Maietta, these papers would have been included but they were  
 11 not. Maietta mislead the Grand Jury and failed to disclose that agents of the IRS never attempted  
 12 to exhaust the administrative remedies as required by Acts of Congress and codified within the  
 13 Internal Revenue Code to collect the alleged substantial understatement of liability for the tax  
 14 years 1998 and 1999 in failing to: (1) verify the taxpayers liability "Assess a Liability," (2)  
 15 issue a "Notice and Demand" for tax, (3) issue a "Notice of Deficiency," (4) issue a "Notice of  
 16 Determination" and (5) never once statutorily noticed the Accused Nadine J. Griffin of their  
 17 presumptive determination as the law commands.

18 " . . . Congress had encroached on the core function of the Judiciary to decide "cases and  
 19 controversies properly before them." Miller v. French, 530 U.S. 327 (2000) quoting United  
States v. Raines, 362 U.S. 17, 20 (1960).

20 **These items are conclusory, inflammatory and not probative items of evidence must be**  
 21 **suppressed that would tend to imply that an assessment of liability was made and Nadine J.**  
 22 **Griffin had a known legal duty to report on her 1998 and 1999 income tax returns t**

23 (a) all documents, forms and transcripts in the 4,641 plus pages of discovery materials, and  
 24 all undisclosed documents intended to be used at trial to establish the alleged "Specific  
 25 Items" that have not been assessed by employees of the United States plaintiff resulting

1 in Nadine J. Griffin's substantial understatement on a federal income tax liability for tax  
2 years 1998 and 1999.

3 (b) all documents, forms and transcripts in the 4,641 plus pages of discovery materials, and  
4 all undisclosed documents intended to be used at trial to establish the alleged "Net  
5 Worth" that have not been assessed by employees of the United States plaintiff resulting  
6 in Nadine J. Griffin's substantial understatement on a federal income tax liability for tax  
7 years 1998 and 1999.

8 (c) all documents, forms and transcripts in the 4,641 plus pages of discovery materials, and  
9 all undisclosed documents intended to be used at trial to establish the alleged "Specific  
10 Items" that have not been assessed by employees of the United States plaintiff were  
11 received and owned by Nadine J. Griffin and taxable as "gross income" resulting in  
12 Nadine J. Griffin's substantial understatement on a federal income tax liability for tax  
13 years 1998 and 1999.

14 (d) all documents, forms and transcripts in the 4,641 plus pages of discovery materials, and  
15 all undisclosed documents intended to be used at trial to establish the alleged "Net  
16 Worth" that have not been assessed by employees of the United States plaintiff were  
17 received and owned by Nadine J. Griffin and taxable as "gross income" resulting in  
18 Nadine J. Griffin's substantial understatement on a federal income tax liability for tax  
19 years 1998 and 1999.

20  
21 The United States Supreme Court put it most eloquently in so stating:  
22

23 ***However, it is not the function of the Judiciary to provide "effective leadership"***  
24 ***simply because the political branches of government fail to do so.*** The Court's  
25 holding today manifests the justly criticized judicial tendency to attempt speedy  
and wholesale formulation of "remedies" for the failures — or simply the laggard  
pace — of the political processes of our system of government.

1 The Court employs, and in my view abuses, the Fourteenth Amendment in an  
 2 effort to become an omnipotent and omniscient problem solver. That the motives  
 3 for doing so are noble and compassionate does not alter the fact that the Court  
 distorts our constitutional function to make amends for the defaults of others.  
Plyer v. Doe, 457 U.S. 202, 243 (1982)

4 It can be said without controversy that the judicial branch of government (the court) is not  
 5 constitutionally authorized to act as a collections agency on behalf of employees of the Internal  
 6 Revenue Service, lest it act as a debtors court giving rise to debtors prisons which have been  
 7 abolished and violates the Fifth, Thirteenth and Fourteenth Amendments to the Constitution.  
 8 Considering all the facts before this Court as of this date, even when giving in the light most  
 9 favorable to the prosecution, failing to properly cede this Courts jurisdiction thus prohibits all  
 10 evidence that would have been enjoyed otherwise from being admitted herein now, and at the  
 11 time of trial.  
 12

13 WHEREFORE; Nadine J. Griffin moves a neutral, non-biased judicial official of this Court  
 14 suppress the evidence proffered by the employees of the United States plaintiff as stated herein  
 15 *supra*.

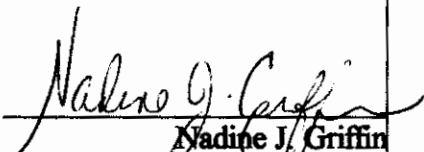
16 Solemnly submitted,

### 17 VERIFICATION

18 I, Nadine J. Griffin, declare under penalty of perjury as a Conscious, Thinking, Feeling,  
 19 Living, Breathing, Flesh and Blood, Sentient Being that the forgoing is true and correct. All  
 20 Rights retained without recourse.

21 Executed this 28 day of February, 2006.

22  
 23 Signature:

  
 Nadine J. Griffin  
 Accused, Belligerent Claimant  
 c/o 36 Center Street, #143  
 Wolfeboro, New Hampshire [03894]

**CERTIFICATE OF SERVICE**

I, Nadine J. Griffin, certify that on February 28 2006, I mailed a true and correct copy of the above and foregoing **VERIFIED MOVE TO SUPPRESS EVIDENCE IN VIOLATION OF THE FIFTH AND FOURTEENTH AMENDMENTS OF THE CONSTITUTION** by

Certified Mail addressed to:

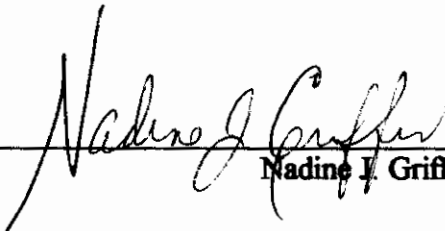
Christopher Maietta  
United States Department of Justice, Tax Division  
601 D Street, NW  
Room 7012  
Washington, DC 20004

Certified Mail No. \_\_\_\_\_

William Smith, Majority Chief Counsel  
Preet Bharara, Minority Chief Counsel  
US Committee on the Judiciary  
Subcommittee on Administrative Oversight and the Courts  
224 Dirksen Senate Office Building  
Washington, D.C. 20510

Certified Mail No. \_\_\_\_\_

Executed this 28 day of February, 2006

  
Nadine J. Griffin